

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROBERT W. WEBSTER, JR.,

Plaintiff,

-v-

6:21-CV-1141

RICHARD STEWART and
ONEIDA COUNTY SHERIFF,

Defendants.

APPEARANCES:

OF COUNSEL:

ROBERT R. WEBSTER, JR.
Plaintiff, Pro Se
P.O. Box 168
Verona Beach, NY 13162

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On October 20, 2021, *pro se* plaintiff Robert R. Webster, Jr. (“plaintiff”) filed this 42 U.S.C. § 1983 action alleging that defendants violated his civil rights in 2012. Dkt. No. 1. Plaintiff also sought leave to proceed *in forma pauperis*; that is, without prepaying the filing fee or other costs. Dkt. No. 2.

On October 25, 2021, U.S. Magistrate Judge Andrew T. Baxter granted plaintiff’s IFP application for the purposes of filing only. Dkt. No. 4. Judge

Baxter further advised by Report & Recommendation (“R&R”) that plaintiff’s federal claims be dismissed with prejudice and that his state law claims be dismissed without prejudice, but without leave to amend. *Id.*.

Thereafter, the Court granted plaintiff two extensions of time in which to file objections. Dkt. Nos. 7, 11. The second extension expired on January 5, 2022. Dkt. No. 11. As of today, February 7, 2022, plaintiff has not filed any objections. Accordingly, upon review for clear error, the R&R will be accepted and adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

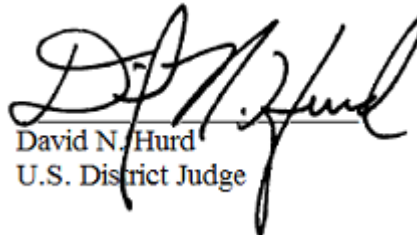
ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. Plaintiff’s 911 call claims are DISMISSED WITH PREJUDICE as frivolous and for failure to state a claim for relief; and
3. Plaintiff’s state law claims are DISMISSED WITHOUT PREJUDICE and WITHOUT LEAVE TO AMEND for lack of subject matter jurisdiction.

The Clerk of the Court is directed to terminate the pending motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: February 7, 2022
Utica, New York.


David N. Hurd
U.S. District Judge